

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

10 JAMES RAFTON, TRUSTEE OF THE JAMES) Case No.: 10-CV-01171-LHK
11 AND CYNTHIA RAFTON TRUST,)
12 Plaintiff,) ORDER CONTINUING FINAL
13 v.) APPROVAL HEARING
14 RYDEX SERIES FUNDS, ET AL.,)
15 Defendants.)
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17 Pursuant to the parties' request, the hearing on the motion for final approval of class action
18 settlement and the motion for attorneys' fees, litigation expenses, and reimbursement of Lead
19 Plaintiffs' costs and expenses is continued to February 9, 2012, at 1:30 p.m. By 5:00 p.m. on
20 February 2, 2012, Lead Counsel shall file a statement, not to exceed 10 pages, including the
21 following information: (1) the final class size; (2) a breakdown of the number of identified class
22 members, partially identified class members, unidentified purchasers, and identified purchasers
23 with unidentified transactions or without losses; (3) the maximum recovery (i.e. the total damages)
24 for the class; (4) the percentage of the maximum recovery that class members will receive, net of
25 attorneys' fees and costs; (5) the average amount of recovery for individual class members; and (6)
26 an explanation as to how the hourly billing rate for the Lead Plaintiffs was calculated. The
27 statement shall also include which cy pres organizations Lead Counsel is considering selecting.
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1 when a cy pres organization(s) will be selected, and how much money is anticipated to be given to
2 the cy pres organization(s). In addition, Lead Counsel shall file an amended proposed order to
3 reflect the fact that Lead Counsel is no longer seeking an award of interest on fees and costs.

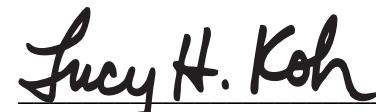
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5 **IT IS SO ORDERED.**

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7 Dated: January 5, 2012

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LUCY H. KOH
United States District Judge